

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

CARL FORSELL,	)	CASE NO. 5:22-CV-01454-CEH
	)	
Plaintiff,	)	MAGISTRATE JUDGE
	)	CARMEN E. HENDERSON
v.	)	
	)	<b>CASE MANAGEMENT CONFERENCE</b>
SQUIRRELS, LLC, ALLMINE, INC.,	)	<b>ORDER</b>
	)	
Defendants,	)	
	)	

This matter came on for a Case Management Conference on Monday, August 14, 2023. The following determinations were agreed to by the parties and lead counsel of record, and IT IS ORDERED that:

1. Track Assignment

This case is assigned to the standard case management track.

2. ADR/Mediation

This case is not suitable for reference to an Alternative Dispute Resolution (ADR) program at this time. However, the parties indicated that the case will be suitable for mediation at a later time and that they will update the Court on their mediation readiness in joint status reports.

3. Magistrate Judge

The parties consented to the jurisdiction of a United States Magistrate Judge pursuant to 28 U.S.C. Sec. 636(c).

4. Discovery Cutoff

Fact discovery shall be completed on or before May 31, 2024. Expert discovery shall be completed on or before May 31, 2024. The party initially seeking to introduce expert testimony shall exchange its Expert Report on or before April 1, 2024. Responsive Expert Reports shall be exchanged on or before April 30, 2024. Discovery shall be conducted according to the guidelines set forth in Local Rule 16.2 for cases assigned to the standard case management track. Without leave of Court, no discovery materials shall be filed, except as necessary to support dispositive motions.

5. Discovery

The parties are reminded of their obligations under Rule 26 of the Federal Rules of Civil Procedure, as amended.

The Court directs the parties to comply with Local Rule 37.1 before filing any motion seeking aid from the court in discovery dispute requests. Additionally, to submit a discovery dispute to this Court, the parties shall submit a joint letter to Henderson\_Chambers@ohnd.uscourts.gov summarizing the dispute with any relevant discovery requests and/or responses attached. The Court will then hold a telephone conference to resolve the dispute. If the dispute is not resolved after the conference, the Court may order additional actions as necessary, pursuant to Local Rule 37.1.

Further, the parties have agreed to follow the default standard for discovery of electronically-stored information (Appendix K to the Northern District of Ohio Local Rules).

6. Witness and Exhibit Lists

Parties shall comply with Rule 26 of the Federal Rules of Civil Procedure, as amended, regarding a disclosure of witnesses and exhibits to be presented at trial. No witnesses or exhibits will be permitted unless provided to opposing counsel in accordance with Rule 26.

7. Amendment of Pleadings

New parties shall be joined and pleadings shall be amended on or before March 31, 2024.

8. Dispositive Motions

Dispositive motions shall be filed on or before July 1, 2024. Counsel are directed to follow the briefing schedule set forth at Local Rule 7.1(d) and (e) for dispositive motions. Parties shall comply with Local Rule 7.1(f) with respect to page limitations. A memorandum that exceeds the page limitations shall not be filed until a motion for leave to file such memorandum is granted. Such leave shall be sought at least five (5) days prior to the filing date. No sur-replies will be permitted, absent advance leave of Court.

9. Extensions of Time

Before requesting an extension of time, counsel shall request the consent of other parties, and shall state in the written motion for extension whether consent was obtained. **Requests not ruled upon are considered denied unless or until otherwise indicated.** Accordingly, the Court encourages parties to request extensions at least three (3) days ahead of the deadline to allow time for the Court to rule.

10. Status Hearing

A telephonic status conference is scheduled for February 1, 2024. The parties shall dial into the Court's bridge line at least five minutes prior to the scheduled conference time. The court will host the conference call and inform counsel by way of separate email of the telephone number for the conference call. Furthermore, the parties shall submit position papers, by facsimile or electronic mail, to the Court and opposing counsel one week in advance of the conference. The position papers shall include the current status of settlement negotiations, a summary of their respective position(s), and an outline of factual and damage allegations.

11. Joint Status Update

The parties shall file joint status updates every ninety days. The updates shall include the status of discovery, outstanding motions, any reasons to deviate from the schedule, mediation readiness, and settlement stance.

12. Final Pretrial

A final pretrial is scheduled for October 17, 2024.

13. Trial Date

A jury trial is scheduled for November 4, 2024.

14. Protective orders

Parties shall submit agreed protective orders as a stipulated motion. If agreed protective orders are approved, it will be with the understanding that, in the event this case should go to trial, no materials used in open court shall be entitled to the continuing designation of “confidential.”

If either party seeks to obtain judgment by either a motion to dismiss or a motion for summary judgment, only supporting confidential documentation, not the motions themselves, may be filed under seal.

**Parties are reminded to comply with all Local Rules**, including, but not limited to, the page limitations for briefs and formatting requirements for briefs.

**IT IS SO ORDERED.**

Dated: August 14, 2023

s/ Carmen E. Henderson

CARMEN E. HENDERSON  
U.S. MAGISTRATE JUDGE